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MEMO ENDORSED

June 15, 2007

P2

Hon. Richard M. Berman
United States District Court
Southern District of New York
40 Centre Street, Courtroom 706
New York, New York 10007

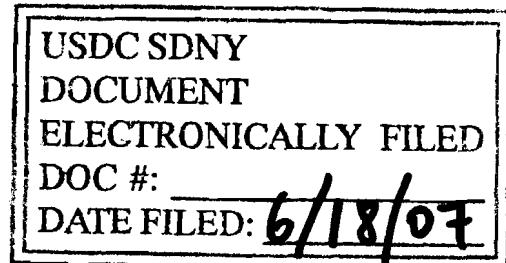
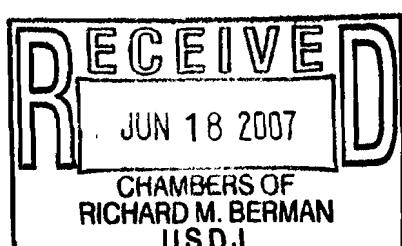
**Re: Israel Berger & Associates, LLC v. Mark Baker and IBA Consulting And
Engineering, PLLC
(U.S. District Court, S.D.N.Y. Civil Action No. 07cv5648)**

Dear Judge Berman:

This office represents plaintiff Israel Berger & Associates, LLC in the above captioned action.

We intend to move to remand this action to the Supreme Court of the State of New York, County of New York, and write to arrange a pre-motion conference pursuant to Section 2A of Your Honor's Individual Practices.

Plaintiff is a long recognized consulting and inspection group specializing in building envelope technologies. Since its inception in 1994, the "IBA" service mark has remained a part of plaintiff's business. On or about January 2, 2007, defendant IBA Consulting And Engineering, PLLC, through its principal, defendant Mark Baker, opened an office in New York, home to plaintiff's principal place of business.



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On May 22, 2007, plaintiff commenced an action in the Supreme Court of the State of New York, County of New York. By its complaint, plaintiff asserted four state claims, one federal claim under the Lanham Act, and a cause of action for injunctive relief.

On June 13, 2007, defendants filed a notice of removal to remove this action to this Court upon the grounds that plaintiff sought relief under the Lanham Act.

Earlier today, plaintiff served an amended complaint, withdrawing its claim under the Lanham Act.¹ In view of the fact that this Court lacks subject matter jurisdiction, pursuant to 28 U.S.C. §1447, plaintiff will move to remand this action to the Supreme Court of the State of New York, County of New York. Therefore, plaintiff requests a pre-motion conference.

Respectfully yours,

Kalvin Kamien

Attach.

cc: David B. Newman, Esq. (By Mail, with enclosure) *ON*

<u>Def to respond by</u>	Kalvin Kamien
<u>wed, June 20, 2007 @ Noon</u>	
<u>(2-3 pp don'ts should be fine), Conf</u>	
<u>Thursday, June 21, 07 @ 3:00PM</u>	
<hr/>	
SO ORDERED:	<i>Richard M. Berman</i>
Date: <u>6/18/07</u>	Richard M. Berman, U.S.D.J.

¹Pursuant to Your Honor's Individual Practices, a courtesy copy of the amended complaint is enclosed herewith.